

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BECKMAN COULTER, INC.

Serial No: 09/780,804

Filed: February 9, 2001

For: LATCH SYSTEM AND MODIFIED
BLADE DESIGN FOR THICK
STOPPER-CLOSED CONTAINER
SAMPLING PIERCING STATION



Art Unit: 1743

Examiner: Dwayne K. Handy

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

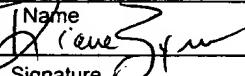
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 27, 2005

Date of Deposit

Diane Lynn

Name

 10/27/05

Date

**TRANSMITTAL OF INFORMATION
DISCLOSURE STATEMENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

- The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
- The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

§1.97(e) STATEMENT

I, the person signing below, state:

that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

OR FEE

Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00) to Deposit Account No. 50-1314. A copy of this petition is enclosed.

3. The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(c), but before, or simultaneously with the payment of the issue fee. A statement specified in §1.97(e) and a fee set forth in §1.17(p) are included. 37 C.F.R. §1.97(d).

§1.97(e) STATEMENT

I, the person signing below, state:

that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

AND FEE

Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(d). (\$180.00).

4. If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1314. **A copy of this petition is enclosed.**

5. A list of 1 reference(s) is in the enclosed Form PTO-1449.

NON-ENGLISH LANGUAGE REFERENCES

- Enclosed is an office action for a counterpart application. The Examiner has provided comments on the relevancy of any non-English language references cited in the office action.
- The specification incorporates comments on the relevancy of Non-English language references.
- Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language reference.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

By: 
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Date: October 27, 2005

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FORM PTO-1449	DOCKET NUMBER 2048-039 (81841.0183)	APPLICATION NUMBER 09/780,804
<p>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</p> <p>(Use several sheets if necessary)</p>		
<p>RECEIVED MARCH 1 2005 U.S. PATENT & TRADEMARK OFFICE</p>		
APPLICANT	BECKMAN COULTER, INC.	
FILING DATE	GROUP ART UNIT 1743	

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
	DE 20017193	01/11/2001	Germany			X	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	